

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED JP

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OCT 03 2001

IN RE:

CLARK MOTORCARS, INC.,

Debtor.

Case No. 99-03806-TRC

Chapter 7

TIMOTHY H. WALBRIDGE, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

SCOTT P. KIRTLEY, TRUSTEE

Plaintiff,

v.

SSF IMPORTED AUTO PARTS,

Defendant(s).

01-0379-TRC

Adv. Proceeding No. _____

COMPLAINT FOR TURNOVER OF PROPERTY OF THE ESTATE

Scott P. Kirtley, Chapter 7 Trustee, the above-named Plaintiff, brings this Complaint against the Defendant, SSF Imported Auto Parts ("SSF"), and alleges and states as follows:

1. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(E).
2. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. § 1334, and venue is proper under 28 U.S.C. § 1409.
3. This Complaint is brought seeking an Order requiring the Defendant to turnover to the Plaintiff property of the Estate pursuant to 11 U.S.C. § 542.
4. The Debtor, Clark Motor Cars, Inc., filed a Voluntary Petition for Relief under Chapter 7 of Title 11 of the United States Code on October 4, 1999.
5. On October 5, 1999, the Court issued a Notice appointing the Plaintiff as the Chapter 7 Trustee. The Plaintiff remains the duly appointed, qualified, and acting Trustee of the above-captioned proceeding.

6. Upon information and belief, SSF is holding \$4,000.00 in auto parts refunds owed to the Debtor at the time of the filing of the Petition.

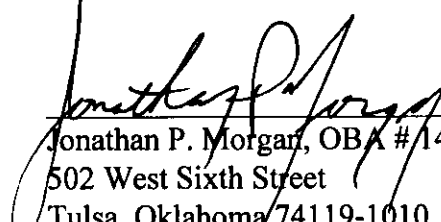
7. SSF has failed to pay to the Debtor the refunds owed.

8. Pursuant to 11 U.S.C. § 542, SSF shall deliver to the Plaintiff and account for all refunds owed to the Debtor.

Wherefore, the Plaintiff prays that this Court enter judgment against SSF as follows:

- a. Requiring SSF to provide the Trustee with an accounting of all monies owed to the Debtor;
- b. Requiring SSF to turnover any property of the estate not rightfully in its possession, including all monies owed to the Debtor, or \$4,000.00; and
- c. Granting such other and further relief as this Court deems just and proper.

RIGGS, ABNEY, NEAL, TURPEN,
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